

Tab 5 to Appendix of Exhibits to Motion of Defendant Brush Wellman, Inc. for Summary Judgment:

BARRY GENEREUX DEPOSITION EXCERPTS

Volume: I Pages: 1-91 Exhibits: --

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-CV-12137 JLT

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SUZANNE GENEREUX and BARRY GENEREUX, Individually
and as Parents and Natural Guardians of their minor
children, ANGELA GENEREUX AND KRISTA GENEREUX,
Plaintiffs,

v.

AMERICAN BERYLLIA CORP., BRUSH WELLMAN, INC., BRUSH
WELLMAN CERAMICS, INC., BRUSH WELLMAN CERAMIC
PRODUCTS, INC., HARDRIC LABORATORIES, INC., KYOCERA
AMERICA, INC., KYOCERA INDUSTRIAL CERAMICS CORP.,
and RAYTHEON COMPANY,
Defendants.

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VIDEOTAPED DEPOSITION OF BARRY GENEREUX

Thursday, February 16, 2006, 9:07 a.m.

MEEHAN, BOYLE, BLACK & FITZGERALD

Two Center Plaza, Suite 600

Boston, Massachusetts

Reporter: Marianne R. Wharram, CSR/RPR

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1 that time.
 2 Q. Okay. Well, was there anyone working at
 3 the Waltham plant when you were there who was an
 4 industrial hygienist?
 5 A. I do not know.
 6 Q. Did you ever see any warning labels on any
 7 of the assemblies that were being circulated in the
 8 Waltham plant, or subassemblies?
 9 A. No, not that I can recall.
 10 Q. Any tags that said anything about
 11 beryllium?
 12 A. Not that I can recall.
 13 Q. Did you ever see any signs or any posters
 14 that warned about beryllium?
 15 A. Not that I can recall.
 16 Q. When is the first time that you learned
 17 that there is any risk to human health from working
 18 with beryllium?
 19 A. When my wife discovered it.
 20 Q. When was that?
 21 A. Just before she went to National Jewish.
 22 Q. You said just before she went. She went in
 23 1992, right?
 24 A. Right. No.

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1 MR. HONIK: Object to the form of the
 2 question.
 3 Q. (BY MR. UBERSAX) Well -- let's go through
 4 the -- do you remember that she wrote a letter to
 5 Senator Reed, or his office?
 6 A. Yes.
 7 Q. Okay. Did you help her draft that letter?
 8 A. No.
 9 Q. Did you read the letter before it was sent?
 10 A. I don't recall every detail of it. I just
 11 remembered that she wrote one pertaining to her,
 12 uh, LTD.
 13 Q. Do you remember when she sent that letter?
 14 A. The year, I don't know off the top of my
 15 head. Can't remember.
 16 Q. Do you remember that she had a telephone
 17 conversation with someone at Senator Reed's office?
 18 A. She had mentioned it to me.
 19 Q. She mentioned it to you when it happened?
 20 A. When I came home from work.
 21 Q. What did she tell you about it?
 22 A. That they suggested that she have an LPT
 23 test for beryllium.
 24 Q. Anything else?

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1 A. That was basically it.
 2 Q. Had you ever heard of an LPT test before?
 3 A. No.
 4 Q. Had your wife ever heard of such a test
 5 before?
 6 A. I don't think so, no.
 7 Q. What was your reaction to hearing about
 8 this?
 9 A. Surprised. I -- just surprised, meaning
 10 that I never heard of it before.
 11 Q. What did you understand was the purpose of
 12 this LPT test at that time?
 13 A. At that time, it was to determine if she
 14 was exposed to it or not, from what I understood.
 15 Q. Okay. Did you know or had you learned at
 16 that time that there is a disease, a lung disease
 17 that can be caused by beryllium?
 18 A. At that point, I don't know if we were a
 19 hundred percent with that, but there was the
 20 possibility of it. It wasn't that we knew for
 21 certain. It was like that the possibility existed
 22 that there could be a lung problem.
 23 Q. Okay. So at the time that your wife told
 24 you about this telephone conversation with Senator

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1 Reed's office, you then understood that it was
 2 possible that a person who had been exposed to
 3 beryllium could develop a lung disease, correct?
 4 MR. HONIK: Object to the form of the
 5 question.
 6 A. I would guess, yes.
 7 Q. (BY MR. UBERSAX) And why do you say you
 8 would guess?
 9 A. Well, I would -- yeah, that would be the
 10 assumption that you would make at the time.
 11 Q. Okay. Do you recall when that phone call
 12 was?
 13 A. Again, date-wise, I can't remember.
 14 Q. Do you recall that after that conversation
 15 with Senator Reed's office, your wife then had
 16 another conversation with the Department of Labor?
 17 A. Yes.
 18 Q. She told you about that conversation?
 19 A. Yes.
 20 Q. What did she tell you about it?
 21 A. Uh, that they -- they're the ones, I
 22 believe, that told her to go to National Jewish to
 23 have the LPT test and where to go.
 24 Q. Did she tell you anything else about the

C E R T I F I C A T E

Page	Line	Correction
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Benny Generous

Dated this 23 day of MARCH, 2006.